

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUISA CASTAGNA ESPOSITO,

Plaintiff,

- against -

WILLIE GARY, individually and as a
partner of GARY, WILLIAMS, PARENTI,
WATSON & GARY, P.L.L.C. and
CHRISTOPHER CHESTNUT, individually
and as a partner of THE CHESTNUT FIRM,
P.C. and THE CHESTNUT FIRM, LLC,

Defendants.

ORDER

18 Civ. 11245 (PGG) (OTW)

PAUL G. GARDEPHE, U.S.D.J.:

In this legal malpractice action, pro se Plaintiff Luisa Castagna Esposito sued Defendant Willie Gary and his law firm – Gary, Williams, Parenti, Watson & Gary, P.L.L.C. (the “Gary Defendants”) – and Defendant Christopher Chestnut and his law firms – the Chestnut Firm, P.C. and the Chestnut Firm, LLC (the “Chestnut Defendants”). Gary and Chestnut represented Esposito in an assault and battery case that she had brought against Allen Isaac and other lawyers who had represented her in a personal injury automobile accident case in New York state court. (Second Am. Cmplt. (“SAC”) (Dkt. No. 92) ¶¶ 1-2, 18)

Esposito commenced the instant case on December 3, 2018 (Dkt. No. 1), and filed the First Amended Complaint on May 8, 2019. (First Am. Cmplt. (“FAC”) (Dkt. No. 8)) In a May 16, 2020 order, this Court dismissed the First Amended Complaint for failure to state a claim. (May 16, 2020 Dismissal Order (Dkt. No. 61)) The Second Amended Complaint was filed on April 15, 2022, and asserts claims for legal malpractice and negligent misrepresentation against the same defendants. (SAC (Dkt. No. 92) ¶¶ 60-106)

On April 29, 2022, the Gary Defendants moved to dismiss under Fed. R. Civ. P. 12(b)(6) arguing, inter alia, that the SAC fails to state a claim. (Gary Mot. (Dkt. No. 107)) The Gary Defendants filed an Answer to the SAC on August 17, 2022. (Gary Answer (Dkt. No. 136)) In the Answer, the Gary Defendants assert counterclaims for defamation, slander, and libel against Esposito. (Id.)

On October 6, 2022, Esposito filed an Answer to the Gary Defendants' counterclaims. (Esposito Answer (Dkt. No. 140))

On September 24, 2024, this Court dismissed the SAC's claims as to the Gary Defendants for failure to state a claim. (Sept. 24, 2024 Order (Dkt. No. 280))

On February 13, 2025, Esposito moved for permission to seek discovery regarding the counterclaims filed by the Gary Defendants in August 2022. (Dkt. No. 283)

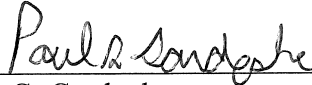
On June 26, 2025, this Court dismissed the SAC's claims as to the Chestnut Defendants for failure to state a claim. (Jun. 26, 2025 Order (Dkt. No. 285))

The Gary Defendants have not pursued their counterclaims since filing their Answer on August 17, 2022. Given that the Court has now dismissed all the claims in the Second Amended Complaint – and that almost three years have passed without the Gary Defendants taking further action on their counterclaims – the Gary Defendants are directed to notify the Court by **July 11, 2025**, whether they intend to pursue their counterclaims. If the Gary Defendants do not confirm by July 11, 2025 that they intend to pursue their counterclaims

against Esposito, those claims will be dismissed for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Dated: New York, New York
June 27, 2025

SO ORDERED.



Paul G. Gardephe
United States District Judge